

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

**FILED**  
**OCT 06 2020**  
U.S. CLERK'S OFFICE  
INDIANAPOLIS, INDIANA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
GERALD HOYE, )  
 )  
Defendant. )

INDICTMENT 1 : 20 -cr- 267 JPH -MJD

The Grand Jury charges that:

At times material to all of these charges:

General Allegations

1. GERALD HOYE, the Defendant herein, was a resident of the Southern District of Indiana.
2. The name "Minor Victim 1" is the pseudonym of a girl who was less than 16 years old but at least 12 years of age. She was a resident of the Mississippi. The Defendant was a relative of Minor Victim 1.
3. The Internet is a facility of interstate or foreign commerce.

Definitions

4. The term "minor" means a person under the age of eighteen (18) years as defined in 18 U.S.C. § 2256.

5. The term “sexually explicit conduct” as defined in 18 U.S.C. § 2256, means actual or simulated 1) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same sex or opposite sex; 2) masturbation; or 3) lascivious exhibition of the genitals or pubic area of any person.

6. The term “visual depiction” is defined as to include undeveloped film and videotape, data stored on computer disk or by other electronic means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format. 18 U.S.C. § 2256(5).

**Count 1**  
**Sexual Exploitation of a Child and**  
**Attempted Sexual Exploitation of a Child**  
**18 U.S.C. § 2251(a) and (e)**

7. On or between June 1, 2019 and February 27, 2020, in the Southern District of Indiana and elsewhere, the Defendant, GERALD HOYE, did knowingly employ, use, persuade, induce, entice, and coerce and did attempt to employ, use, persuade, induce, entice, and coerce MINOR VICTIM 1 to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, knowing or having reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

All of which is a violation of Title 18, United States Code, Section 2251(a) and (e).

**Count 2**  
**Receipt of Child Pornography**  
**18 U.S.C. § 2252(a)(2)**

8. On or between June 1, 2019 and February 27, 2020, in the Southern District of Indiana and elsewhere, the Defendant, GERALD HOYE, received a visual depiction using any means or facility of interstate or foreign commerce and in or affecting interstate or foreign commerce, by any means including by computer, where the producing of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such depiction was of such conduct, that is: the Defendant used a computer to receive at least one visual depiction of Minor Victim 1 engaging in sexually explicit conduct;

All of which is a violation of Title 18, United States Code, Section 2252(a)(2).

## **FORFEITURE**

1. Pursuant to Federal Rule of Criminal Procedure 32.2, the United States hereby notifies the Defendant that it will seek forfeiture of property, criminally and/or civilly, pursuant to Title 18, United States Code, Sections 2253 and 2254 as part of any sentence imposed.

2. Pursuant to Title 18, United States Code, Section 2253, if convicted of any of the offenses set forth in Counts 1 through 2 of this Indictment, the Defendant shall forfeit to the United States:

a. any visual depictions described in Title 18, United States Code, Sections 2251, 2251A, or 2252, 2252A, 2252B, or 2260, and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depictions, which were produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Chapter 110;

b. any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses of which the Defendant is convicted, or any property traceable to such property, such as all computers, storage media, cameras and electronic equipment taken from his person or residence by law enforcement officers during the investigation of these offenses. It also includes any property, real or personal, constituting or traceable to gross profits of other proceeds derived from said offenses; and

c. An iPhone with a phone number of 317-503-7628 in an Otterbox

and all data contained on the phone, which was seized on March 28, 2020.

3. Pursuant to Federal Rule of Criminal Procedure 32.2, the United States hereby gives the Defendant notice that the United States will seek forfeiture of property, criminally and/or civilly, pursuant to Title 18, United States Code, Section 924(d), Title 21, United States Code, Sections 853 and 881, and Title 28, United States Code, Section 2461(c), as part of any sentence imposed.

4. The United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), and as incorporated by Title 18, United States Code, Section 2253(b), if any of the property described above in paragraph 3, as a result of any act or omission of the Defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty.

7. In addition, the United States may seek civil forfeiture of the property described above pursuant to Title 18, United States Code, Section 2254.

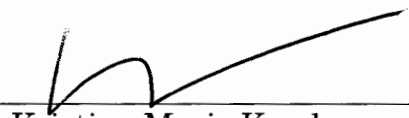
A TRUE BILL:

A large black rectangular redaction box covering the signature of the Foreperson.

FOREPERSON

JOSH J. MINKLER  
United States Attorney

By:

A handwritten signature in black ink, appearing to be 'Kristina Marie Korobov', written over a horizontal line.

Kristina Marie Korobov  
Assistant United State Attorney